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Notice of Allowability

Application No.

10/649,032

Examiner

Tania C. Courson

Applicant(s)

HAIGH ET AL.

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 11/26/04.
2. ☒ The allowed claim(s) is/are 1-34.
3. ☒ The drawings filed on 26 November 2004 and 27 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance for Claim 1: the prior art does not disclose or suggest a crossing control arm assembly for a bumper having an actuator in a housing that is adapted for attachment behind or to a back surface of the bumper the crossing control arm assembly including a crossing arm that is attached to the actuator by a hinge bracket that includes upper and lower pivot members that have portions that are above and below the housing of the actuator respectively in combination with the remaining limitations of the claims.

2. The following is an examiner's statement of reasons for allowance for Claim 2: the prior art does not disclose or suggest a crossing control arm assembly for a bumper that is adapted for attachment behind or to a back surface of the bumper the crossing control arm assembly including a crossing arm that is attached to an actuator by a hinge bracket that includes upper and lower pivot members of the actuator, the crossing arm being attached to the hinge bracket so as to be storable above or below the bumper and having a flap that is pivotally attached to a rod so that the flap is stored in a substantially horizontal position and deployed in a substantially vertical position in combination with the remaining limitations of the claims.

3. The following is an examiner's statement of reasons for allowance for Claims 3-14: the prior art does not disclose or suggest a crossing control arm assembly for a bumper that is adapted for attachment behind or to a back surface of the bumper the crossing control arm assembly including a crossing arm that is attached to an actuator by a hinge bracket that includes

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upper and lower pivot members of the actuator that pivot about a pivot axis of the actuator in combination with the remaining limitations of the claims.

4. The following is an examiner's statement of reasons for allowance for Claims 15-16: the prior art does not disclose or suggest the combination of a bus having a front bumper and a crossing control arm assembly including an actuator and a crossing arm, the actuator being located behind the bumper and including a rod that is attached to a hinge bracket and moveable by the actuator in a substantially horizontal direction in combination with the remaining limitations of the claims.

5. The following is an examiner's statement of reasons for allowance for Claims 17-30: the prior art does not disclose or suggest the combination of a bus having a front bumper and a crossing control arm assembly including an actuator and a crossing arm, the actuator being located in a housing behind the bumper and including a rod that is attached to a hinge bracket so as to be stored above the bumper and moveable by the actuator in a substantially horizontal direction in combination with the remaining limitations of the claims.

6. The following is an examiner's statement of reasons for allowance for Claims 31-34: the prior art does not disclose or suggest a crossing control arm assembly for a bumper that is adapted for attachment behind or to a back surface of the bumper and having a crossing arm that can be stored above the bumper when the crossing control arm assembly is attached behind or to a back surface of the bumper, the crossing control arm assembly including an actuator in a

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housing, a crossing arm that is attached to the at actuator by an external hinge bracket that includes upper and lower pivot members that are above and below the housing of the actuator respectively and that pivot about a pivot axis of the actuator in combination with the remaining limitations of the claims.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania C. Courson whose telephone number is (571) 272-2239. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM.

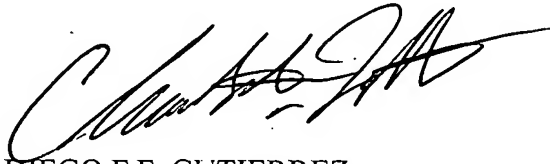
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached on (571) 272-2245.

The fax number for this Organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DIEGO F.F. GUTIERREZ
SUPERVISORY PATENT EXAMINER
GROUP ART UNIT 2859

TCC
January 19, 2005

CHRISTOPHER W. FULTON
PRIMARY EXAMINER